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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,810	06/20/2005	Burkard Otto Herbert	W1.2147 PCT-US	6675
7590 Douglas R. Hanscom Jones, Tullar & Cooper P.O Box 2266 Eads Station Arlington, VA 22202		10/02/2007	EXAMINER NICHOLSON III, LESLIE AUGUST	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 10/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,810

Applicant(s)

HERBERT ET AL.

Examiner

Leslie A. Nicholson III

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-44, 46-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-37 is/are allowed.
- 6) ☒ Claim(s) 29-34, 38-44 and 46-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 29-44,46-55 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes at least claim 33 claims an element unrelated and non-structurally limiting to the apparatus. A second continuous web is claimed, however the claim is directed towards a web mixing device. The material or article worked upon does not limit apparatus claims. See MPEP 2115.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Michalik
USP 5,503,379.

Michalik discloses a continuous web mixing device comprising:

- At least a first former (4) and a second former (2)
- At least one longitudinal cutter associated with said at least first former (C5/L33-35)

Art Unit: 3651

- At least first and second partial web guide paths associated with said first former (fig.1)
- An outlet of said web mixing device located after said at least first former and said second former (fig.1)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29,38-44,46-48,52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbs USP 3,808,768 in view of Kepert USP 5,647,949.

Dobbs discloses a continuous web mixing device comprising:

- At least a first former (36)
- At least a first longitudinal cutter associated with and upstream of said first former and located at an outlet for said first former (fig.1)
- At least first and second partial web guide paths to simultaneously conduct said first (22) and second (24) partial continuous webs from said first former
- An outlet (fig.1)
- At least a first binder (16,37) arranged in one of said at least first and second partial web guide paths before said outlet and after said at least one former, one

of said at least first and second cut partial continuous webs passing through said first binder (fig.1) (C3/L67-C4/L5, C5/L27-35)

- A folding apparatus (128) after said continuous web mixing device

Dobbs does not expressly disclose a stapler.

Kepert teaches the use of a first stapler and a second stapler (16) for the purpose of easily binding any number of products (C2/L20-36).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the use of a first stapler and a second stapler, as taught by Kepert, in the device of Dobbs, for the purpose of easily binding any number of products.

6. Claims 30,31,49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbs USP 3,808,768 in view of Kepert USP 5,647,949 further in view of Michalik USP 5,503,379.

Dobbs discloses all the limitations of the claim, but does not expressly disclose a second former and a second former guide path wherein said first and second cut partial continuous webs from said first former are conducted along first and second sides of said second former.

Michalik teaches a second former (2) and a second former guide path wherein said first and second cut partial continuous webs from said first former are conducted along first and second sides of said second former (fig.1) for the purpose of employing multiple formers and still provide an apparatus having a reduced footprint and thus save floorspace.

At the time of invention it would have been obvious to one having ordinary skill in the art to a second former and a second former guide path wherein said first and second cut partial continuous webs from said first former are conducted along first and second sides of said second former, as taught by Michalik, in the device of Dobbs, for the purpose of employing multiple formers and still provide an apparatus having a reduced footprint and thus save floorspace.

7. Claims 32,34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalik USP 5,503,379 (see ¶3) (or Dobbs USP 3,808,768 in view of Kepert USP 5,647,949 further in view of Michalik USP 5,503,379; see ¶6) in view of Kepert USP 5,647,949.

Michalik or Dobbs discloses all the limitations of the claim and further discloses said second continuous web guide path associated with said second former, but does not expressly disclose a stapler on one of said at least first and second partial web guide paths associated with said first former.

Kepert teaches the use of a stapler (16) on one of said at least first and second partial web guide paths associated with said first former for the purpose of easily binding any number of products (C2/L20-36).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a stapler on one of said at least first and second partial web guide paths associated with said first former, as taught by Kepert, in the device of Michalik or Dobbs, for the purpose of easily binding any number of products.

Allowable Subject Matter

8. Claims 35-37 are allowed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

Art Unit: 3651

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.
9/26/2007


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER